

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ORDER SETTING RESPONSE TIME FOR BMS REGARDING SANCTION AWARD

On November 3, 2004, the Court awarded discovery sanctions to Plaintiff Madison on the basis of its motion to compel discovery from Defendant BMS. The Court gave Madison 10 days to file an affidavit of attorney's fees and costs. (Pleading No. 63.) On November 5, Madison filed affidavits of counsel, claiming fees of \$9,527.20 (\$7,550.80 by Holland & Knight, and \$1,976.40 by Wyrick Robbins Yates & Ponton) under the terms of the Court's sanction order. BMS has not responded to Madison's affidavits regarding the amount of the sanction award.

On or before June 3, 2005, BMS may respond regarding the reasonableness of the fees requested by Madison. After that date, the Court will enter its award setting the amount of the sanction imposed by the November 3, 2004 Order.

IT IS SO ORDERED.

/s/ P. Trevor Sharp

United States Magistrate Judge

Date: May 18, 2005